

Application No.: 10/711,563

Docket No.: 21547-00280-US1

REMARKS

Claims 1-12 remain pending in this application. Claims 1 and 6 are independent. No claims have been amended, added, or canceled by this Response.

Withdrawal of the rejection of claims 1-12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,896,517 is requested.

In response to the double patenting rejection, and without making any admission as to the propriety of the rejection or correctness of the Examiner's assertion of a "species/genus" relationship between the pending claims and the claims in the issued '517 patent, the undersigned attorney of record has executed a Terminal Disclaimer to disclaim the term of any patent that might issue from this application beyond the term of U.S. Patent No. 6,896,517.

Thus, the rejection has been rendered moot. The executed Terminal Disclaimer is provided as an attachment at the end of this Response.

In view of the above remarks and Terminal Disclaimer, applicant believes the pending application is in condition for allowance.

For any fee that is due, particularly for a Statutory Disclaimer, please charge CBLH Deposit Account No. 22-0185, under Order No. 21547-00280-US1 from which the undersigned is authorized to draw.

Respectfully submitted,

By 

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Attachment: Executed Terminal Disclaimer